

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:99-cr-00024-FDW-9

RODNEY EDWARD WALL,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

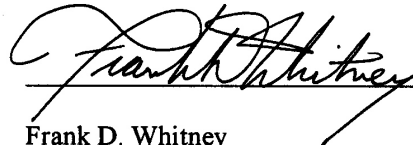
THIS MATTER comes now before the Court upon Petitioner's "Motion for Relief from the Operation of the Judgment" (Doc. No. 485). In his Motion, filed on December 3, 2007, Petitioner seeks relief from the Court's denial and dismissal of his motion pursuant to 28 U.S.C. § 2255 (Doc. No. 448), which was filed on June 10, 2005. Petitioner's Motion is DENIED. Petitioner's Motion to Amend/Correct Presentence Investigation Report (Doc. No. 487) is similarly DENIED.

All motions for relief under Rule 60 of the Federal Rules of Civil Procedure must be filed "within a reasonable time." Fed. R. Civ. P. 60(c)(1). Petitioner's Motion was filed thirty (30) months after the Court's order denying and dismissing his § 2255 motion. The Court views this as being outside the window of a "reasonable time." Nothing within Petitioner's current Motion, arguing that his counsel was ineffective for not objecting to certain calculations under the Sentencing Guidelines, has been newly discovered or otherwise indicates why Petitioner's Motion has been filed after so long a time. As such, the Court declines to address Petitioner's argument and the Motion is hereby DENIED.

Petitioner's Motion to Amend/Correct Presentence Investigation Report contains the same underlying argument as his § 2255 motion and his "Motion for Relief from the Operation of Judgement" as is also DENIED.

IT IS SO ORDERED.

Signed: November 24, 2008


Frank D. Whitney
United States District Judge

